

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LYNCH *et al.*

Appl. No. 09/917,789

Filed: July 31, 2001

For: **Model for Alzheimer's Disease
and Other Neurodegenerative
Diseases**



Confirmation No. 1493

Art Unit: 1646

Examiner: Janet L. Andres

Atty. Docket: 1819.0030002/MAC/TSC

#13
J.L.A.
1/8/03

Reply To Restriction Requirement

Commissioner for Patents
Washington, D.C. 20231

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TECH CENTER 1600/2900

Sir:

In reply to the Office Action dated September 20, 2002, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-12. Additionally, Applicants elect species 1a, Neurofibrillary tangles and species 2a, Apolipoprotein E-deficient cells. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse. Applicants submit that the claims of restriction Groups I-VII can be searched without undue burden on the examiner.

MPEP 803 (August 2001), at page 800-4, left-hand column, states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

In the present case, Applicants respectfully assert that the search of all of these restriction groups does not impose a serious burden upon the Examiner, as a search

concerning the patentability of one group is likely to uncover art of interest to the other groups.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 11-13-02

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